## NITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: DENNIS R. MOORE and : CHAPTER 13

ROBERTA M. MOORE

Debtor(s)

:

CHARLES J. DEHART, III

STANDING CHAPTER 13 TRUSTEE

:

VS.

:

DENNIS R. MOORE and

ROBERTA M. MOORE

Respondent(s) : CASE NO. 5-16-bk-04445

## TRUSTEE'S OBJECTION TO AMENDED CHAPTER 13 PLAN

AND NOW, this 17th day of August, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

- 1. Debtor(s)' plan violates 11 U.S.C. Sec. 1322(a)(2) in that the debtor(s) has not provided for full payment, in deferred cash payments, of all claims entitled to priority under 11 U.S.C. Sec. 507.
- 2. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtors have excess non-exempt equity in the following:
  - a. Business assets. Provide balance sheets for 2016-1120 S Federal Tax Return.
- 3. The Trustee avers that debtor(s)' plan is not feasible based upon the following:
  - a. Plan ambiguous payment
  - b. The plan is underfunded relative to claims to be paid.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.
- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III Standing Chapter 13 Trustee 8125 Adams Drive, Suite A Hummelstown, PA 17036 (717) 566-6097

BY: <u>/s/Agatha R. McHale</u> Attorney for Trustee

## **CERTIFICATE OF SERVICE**

AND NOW, this 17th day of August, 2017, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Brian E. Manning, Esquire 502 South Blakely Street Dunmore, PA 18512

/s/Deborah A. Behney
Office of Charles J. DeHart, III
Standing Chapter 13 Trustee